IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 2132 of 2004

Between:

1. Manjeera Grameena Bank S.C. and S.T. Staff Welfare and Cultural

Association, Rep. by its General Secretary, K. Sanjeeva Rao,

Sanga Reddy, Medak District.
2 G. Ravinder, S/o. Sayanna, R/o. Medak District.
3 N. Prakasham, S/o. Sayanna, R/o. Medak District.

..... PETITIONERS

AND

1 Manjeera Grameena Bank, Rep. by its Chairman,
Sanga Reddy, Medak District.
2 P.Prabhakar Rao, S/o.Mohan Rao,
R/o.Papannapet, Medak Dist.
3 J.Raja Ratnam, S/o.Kistaiah,
R/o.Medak District.

(R 2 & 3 ARE IMPLEADED AS PER COURT ORDER
DT.12-4-2004 IN WPMP NO.4091/2004)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ, order or orders, or direction declaring the action of the respondent Bank in not showing the vacancies reserved for SC candidates for the purpose of promotion to the post of J.M.G. Scale-I and proceeding to fill-up all the 12 vacancies without following the Rule of Reservation of 15% as per the 40 point Roaster as illegal, arbitrary and unconstitutional and to issue a consequential direction to the Respondents to fill-up 2 vacancies out of 12 to the J.M.G. Scale-I cadre with SC candidates in accordance with the 40 Point Roaster in accordance with law

Counsel for the Petitioner:MR.V.SRINIVAS
Counsel for the Respondent No.1: MR.K.SRINIVASAMURTHY
Counsel for the Respondents 2 and 3: MR. C.V.MOHANA REDDY.

The Court made the following :

Order:-

The writ petition is filed by the petitioners praying to reserve two posts of J.M.Gs.-1Cadre for promoting S.C. candidates on the apprehension that the bank is intending to fill up all the vacancies without following the rule of reservation in favour of S.C./S.T candidates while promoting the employees to J.M.G. Scale-1 cadre.

It is the case of the petitioner that as per the existing rules of the bank 15% of the vacancies are reserved for SC /ST candidates as per 40 Point Roster and it has to be maintained. Therefore, the action of the respondents in promoting the candidates to the Cadre of J.M.G without reserving 15% as per 40 point roster in favour of the SC/ST candidates is illegal and contrary to the directions issued earlier by this Court in WPMP No. 28651 of 2003 and WVMP No. 3987 of 2003 in W.P. No. 22851 of 2003. It is the case of the petitioners that the respondents issued a staff circular No.4 on 7-10-2003 inviting applications from the staff to consider for promotion to J.M.G. Scale-I for 12 posts. It is stated that 15% reservations is for S.C. and S.T. as per 40 point roster and some of the SC / ST candidates applied and wrote written examination. The list of eligible candidates for attending the interview was also published vide circular no. 4 dated 3-2-2004but there is no mention about the reservation. Apprehending that the respondents may not follow the existing policy of rule of reservation in favour of SCs and STs. the present writ petition is filed. While admitting the writ petition, this Court granted direction directing the respondents to reserve two vacancies in the category of J.M.G.Scale -1 until further orders.

Initially respondents 2 and 3 filed implead petition,W.P.M.P.No.4091 of 2004 and also Vacate petition in WVMP 1094 of 2004 to vacate the interim order granted on 6-2-2004. First respondent-Bank filed counter stating that the Bank has been implementing the rule of reservation in favour of S.Cs. and S.Ts as per 40 point roaster by considering them for promotion from Clerical cadre to Officer cadre. So

far, the bank has conducted four batches for filling up posts aggregating to 55 and they have promoted 9 SC candidates and 4 ST candidates as per 40 point roaster. The bank is strictly following the 40 point roaster. Therefore, the petitioners' contention that the rule of reservation is not followed is without basis. It is pertinent to state that this Court while disposing of miscellaneous petitions on 9-1-2004 in W.P. 22851/03 made the following order:

> "The interim order of this Court dated 30-10-2003 merely directs the first respondent-Bank not to exceed the quota of fifteen percent earmarked for Scheduled Castes while filling up the posts in JMGS-1 pursuant to the above circular dated 7-10-2003. It is not in dispute that the quota earmarked for Scheduled Castes is fifteen percent. In the circumstances, I find no warrant for vacation of the interim order dated 30-10-2003. It is made clear that the interim order of this Court dated 30-10-2003, does not in any manner circumscribe the power or jurisdiction of the first respondent-Bank to fill up the posts of JMGS-1 in accordance with the extant rules or regulations for recruitment or appointment to the posts of JMGS-1 including any rules relating to reservation of vacancies in the said posts. Any subsisting grievance of the petitioner herein or the writ petitioners based on the statistics of the composition of the posts could be sorted out at the hearing of the writ petition."

From a perusal of the said order of this Court it is clear that the bank is permitted to fill up the vacancies by following the rule of reservation to S.Cs/S.Ts. as per 40 point roaster at 15% from clerical cadre to JMGs-1 cadre. The Bank Officers also categorically stated that they are following the rule of reservation at 15% for S.Cs./S.Ts. in filling up the vacancies in J.M.Gs-1 Officers.

Accordingly the writ petition is disposed of with a direction to follow the rule of reservation as per rules at 15% as per 40 Point roaster for S.Cs/S.Ts in filling up the vacancies of JMGs.–1 Officer Cadre. In the circumstances there shall be no order as to costs.

Sd.

(Justice V.Eswaraiah)

19-11-2004

Tsvk.

To

1.The Chairman, Manjeera Grameena Bank, Sangareddy, Medak district.

2.2 C.D.copies.